IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

ANIMAL MEDICAL CENTER AND ASSOCIATES, P.C.,)
Plaintiff,)
V.) Case No. 05-0248-CV-W-FJG
THE TRAVELERS INDEMNITY COMPANY OF AMERICA,)))
Defendant.)))

ORDER

Pending before the Court is Plaintiff's Notice of Voluntary Dismissal (Doc. No. 10). The Court notes that plaintiff cannot dismiss this case without consent of the Court under Fed. R. Civ. P. 41(a)(1) because defendant has filed an answer to plaintiff's complaint. See Doc. No. 4. However, pursuant to the representations made in plaintiff's notice (Doc. No. 10) and treating said notice as a motion to dismiss under Fed. R. Civ. P. 41(a)(2), the Court will **GRANT** said motion. Plaintiff's case against defendant is **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

IT IS SO ORDERED.

Date: <u>December 7, 2005</u> Kansas City, Missouri S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr. United States District Judge